IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5382 of 2007

DATED: 16-3-2007

Between:

T.S.Ramaiah PETITIONER

AND

The Regional Manager,
APSRTC, Warangal Region, Warangal Dist & another

Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 5382 of 2007

ORAL ORDER:

The petitioner is working as a Conductor in the respondent-APSRTC. Disciplinary proceedings were initiated against him, alleging cash and ticket irregularities. On the basis of the report submitted by the checking officials, a charge sheet dated 30.7.1994 was issued and petitioner was suspended pending enquiry. The enquiry officer submitted his report dated 29.10.1994 holding the petitioner guilty of the charges leveled against him. Based on the report of the enquiry officer, without issuing a show cause notice and without calling for the objections, proceedings dated 14.11.1994 were issued imposing the punishment of with holding annual increments for a period of one year with cumulative effect, and explanation was sought from the petitioner, as to why the period of suspension shall not be treated, as not on duty. Aggrieved by the same, the petitioner preferred an appeal before the appellate authority, and the same was rejected. Hence, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that respondent No.2, without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing punishment of withholding the annual increment for a period of one year with cumulative effect and calling upon the petitioner to show cause as to why the suspension

period should not be treated as not on duty. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005. Learned Standing Counsel for the respondents-Corporation admitted the same. He, however, opposed the relief contending that after considering the entire material on record, the impugned order was passed, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The issue raised in the present writ petition is squarely covered by the orders of this Court in W.P. 18299 of 2005, dated 05.09.2005. Hence, following the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, the present writ petition is also disposed of with the following direction.

The impugned order dated 14.11.1994, passed by respondent No.2, imposing punishment of withholding the annual increment for a period of one year with cumulative effect, is modified to that of stoppage of annual increment without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 16.3.2007
msv

THE HON'BLE SRI JUSTICE N.V. RAMANA

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